

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY THE ELEVENTH DAY OF MARCH TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR.JUSTICE: **S.ANANDA REDDY**

W.P. No.4593 of 2004

Between:

M/s. B.V.Subba Reddy Constructions, rep. by its Managing Partner

B.V.Subbareddy.

Petitioner

AND

1. The Superintending Engineer, S.R.B.C. Circle-I (Srisailam Right Branch Canal), Nandyal, Kurnool District.
2. The Executive Engineer, SRBC Division No.1 (Srisailam Right Branch Canal), Nandyal, Kurnool District.
3. The Executive Engineer, S.R.B.C.Division No.III (Srisailam Right Branch Canal), Nandyal, Kurnool District.
4. The Executive Engineer, S.R.B.C. Division No.II (Srisailam Right Branch Canal), Panyam, Kurnool District.
5. The Branch Manager, Andhra Bank, Saidabad Branch, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents 1 to 4 in invoking the Bank Guarantees without referring the matter for arbitration, is illegal, arbitrary and against to the terms and conditions of the contract and consequently direct the respondents 1 to 4 not to invoke the bank Guarantees furnished by the petitioner in pursuance of the agreements bearing Nos.

E) Earth Work Excavation and Construction of Structures for Micro Net Work Distribution System in Block No.I and II of SRBC under package No.XXXII vide agreement No.3/NCB 2002-2003 dated. 19-2-2003.

F) Earth Work Excavation and Construction of Structures for Micro Net Work Distribution System in Block No.VI and VII of SRBC under package No.XXXIV vide agreement No.4/NCB 2003-2004 dated. 24-4-2003.

G) Earth Work Excavation and Construction of Structures for Micro Net Work Distribution System in Block No.VIII and IX of SRBC under package No. XXXV vide agreement No.4/NCB 2002-2003 dated. 19-2-2003.

H) Earth Work Excavation and Construction of Structures for Micro Net Work Distribution System in Block No.X of SRBC under package No.XXXVI vide agreement No.5/NCB 2002-2003 dated. 19-2-2003.

The Petition coming on for hearing upon perusing the petition and affidavit filed herein and upon hearing the arguments of Mr. S.Krishna Mohan, Advocate for the Petitioner and of G.P. for Irrigation, on behalf of the Respondents 1 to 4 and of Mr. Nuty Ram Moham Rao, on behalf of the Respondent No.5.

The Court made the following **ORDER:**

“ Post tomorrow in M.L.

**The respondents are directed not to encash the bank guarantees,
pending further orders.”**

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Superintending Engineer, S.R.B.C. Circle-I (Srisailam Right Branch

- Canal), Nandyal, Kurnool District.
2. The Executive Engineer, SRBC Division No.1 (Srisaillam Right Branch Canal), Nandyal, Kurnool District.
 3. The Executive Engineer, S.R.B.C.Division No.III (Srisaillam Right Branch Canal), Nandyal, Kurnool District.
 4. The Executive Engineer, S.R.B.C. Division No.II (Srisaillam Right Branch Canal), Panyam, Kurnool District.
 5. The Branch Manager, Andhra Bank, Saidabad Branch, Hyderabad.
 6. Two CCs to G.P. for Irrigation, High Court of A.P.Hyd(OUT)
 7. One spare copy.

SAH